

REPORT RELATIVE TO PROVISION OF ATOMIC INFORMATION TO BULGARIA, ESTONIA, LATVIA, LITHUANIA, ROMANIA, SLOVAKIA, AND SLOVENIA, AS RECEIVED DURING RECESS OF THE SENATE ON JANUARY 9, 2009—PM-1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

I am pleased to transmit to the Congress, consistent with sections 123 and 144 b. of the Atomic Energy Act, as amended (42 U.S.C. 2153 and 2164(b)), the text of the Agreement between the Parties to the North Atlantic Treaty for Co-operation Regarding Atomic Information, including a technical annex and security annex (hereinafter collectively referred to as the ATOMAL Agreement), as a proposed agreement for cooperation within the context of the North Atlantic Treaty Organization (NATO) between the United States of America and each of the following seven new members of NATO: the Republic of Bulgaria, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, Romania, the Slovak Republic, and the Republic of Slovenia, hereinafter the "New Parties." I am also pleased to transmit my approval, authorization, and determination concerning the ATOMAL Agreement with respect to the New Parties, together with a copy of the memorandum of the Secretary of Defense with respect to the agreement. The ATOMAL Agreement entered into force on March 12, 1965, with respect to the United States and the other NATO members at that time. The Czech Republic, the Republic of Hungary, the Republic of Poland, and Spain subsequently became parties to the ATOMAL Agreement. The New Parties have signed this agreement and have indicated their willingness to be bound by it. The ATOMAL Agreement with respect to the New Parties meets the requirements of the Atomic Energy Act of 1954, as amended. While the ATOMAL Agreement continues in force with respect to the United States and the other current parties to it, it will not become effective as an agreement for cooperation authorizing the exchange of atomic information with respect to the New Parties until completion of procedures prescribed by sections 123 and 144 b. of the Atomic Energy Act of 1954, as amended.

For more than 40 years, the ATOMAL Agreement has served as the framework within which NATO and the other NATO members that have become parties to this agreement have received the information that is necessary to an understanding and knowledge of and participation in the political and strategic consensus upon which the collective military capacity of the Alliance

depends. This agreement permits only the transfer of atomic information, not weapons, nuclear material, or equipment. Participation in the ATOMAL Agreement will give Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia the same standing within the Alliance with regard to nuclear matters as that of the other current parties to the ATOMAL Agreement. This is important for the cohesiveness of the Alliance and will enhance its effectiveness.

I have considered the views and recommendations of the Department of Defense and other interested agencies in reviewing the ATOMAL Agreement and have determined that its performance, including the proposed cooperation and the proposed communication of Restricted Data thereunder, with respect to the New Parties will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the ATOMAL Agreement with respect to the New Parties and authorized the Department of Defense to cooperate with the New Parties in the context of NATO upon satisfaction of the requirements of section 123 of the Atomic Energy Act of 1954, as amended.

The 60-day continuous session period provided for in section 123 begins upon receipt of this submission.

GEORGE W. BUSH.  
THE WHITE HOUSE, January 9, 2009.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 200. A bill to authorize a cost of living adjustment for the Federal judiciary; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 197

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 197, a bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystem of cranes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 200. A bill to authorize a cost of living adjustment for the Federal judiciary; to the Committee on the Judiciary.

Today I am again introducing legislation to authorize cost of living adjust-

ments, COLA, to the salaries of United States justices and judges. I thank Senator SPECTER for joining me as a cosponsor of this long overdue bill. This legislation would provide judges the COLA needed to keep pace with inflation. In the last Congress, I supported a cost of living increase for Federal judges; it was not enacted. We are introducing this measure early in this new Congress because of all Federal employees, judges were the only ones who did not receive a COLA in the continuing resolution passed last year.

This bill responds in part to issues raised by Chief Justice Roberts in his "Year End Report on the Federal Judiciary." Chief Justice Roberts noted that "Judges knew what the pay was when they answered the call of public service. But they did not know that Congress would steadily erode that pay in real terms by repeatedly failing over the years to provide even cost-of-living increases." The issue relates to judicial independence, which is critical for preserving our system of government and protecting the rights of all Americans.

In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress and other high-ranking Executive Branch officials automatic COLAs as accorded other Federal employees unless rejected by Congress. In 1981, Congress enacted Section 140 of Public Law 97-92, mandating specific congressional action to give COLAs to judges. With the end of the last Congress, however, the continuing resolution providing funding failed to suspend Section 140, thus ensuring that no COLA would be provided for Federal judges during the current fiscal year, unless additional action is taken now. Two years ago, the last time Congress missed making a scheduled cost-of-living adjustment for the judiciary, I sponsored remedial legislation, and it was enacted. We should do so again.

This bipartisan legislation provides a COLA for Federal judges consistent with the law and with fairness. It is vital to the independence of the judiciary and the administration of justice that the Federal bench continues to attract, and keep, the most talented lawyers in the country. I have been dedicated as both Ranking Member and now Chairman of the Judiciary Committee to ensuring the independence of our judiciary.

Some of us have tried over the years to improve the compensation of judges, and I intend again to do what I can to have Congress fairly evaluate this issue to see what solutions may be possible. I hope Congress and the President will reconsider this measure early this year and will do their duty when it comes to fair compensation for the independent judiciary. We can start now by taking up and passing this bill allowing for judicial COLAs.